

VOTE EXPLANATION

Ms. HEITKAMP. Mr. President, I was necessarily absent for yesterday's vote on the motion to invoke cloture on the nomination of Robert McKinnon Califf to be Commissioner of Food and Drugs, Department of Health and Human Services, so I could attend the funeral service for Police Officer Jason Moszer with the city of Fargo, ND, who lost his life in the line of duty.

Had I been present, I would have voted yea on the motion.

NOMINATION OBJECTION

Mr. LANKFORD. Mr. President, we have witnessed in this administration Executive overreach with increasing boldness. One manifestation of Executive overreach is the shocking indifference with which departmental agencies spurn the congressionally mandated rulemaking processes in favor of regulating under the guise of "guidance documents." Guidance documents in their proper form advise the public of their obligations under existing law and, therefore, merely interpret the law without imposing any additional obligation. Agencies are quick to echo that guidance documents do not have the force and effect of law; yet governmentwide, agencies increasingly have used guidance as an end-run around the rulemaking process in violation of Federal law.

The Department of Education's Office for Civil Rights is such an offender. Their guidance documents, including Dear Colleague letters on harassment and bullying, issued October 23, 2010, and sexual violence, issued April 4, 2011, purport to merely interpret title IX of the Education Amendments of 1972, yet advance troublesome policies not contemplated by the text of title IX or its implementing regulations.

I appreciate the fact that these guidance documents predated Mr. King's service at the Department of Education, and I do not assert that he had any role in developing or issuing the letters. However, in a letter dated January 7, 2016, I asked him to clarify his role as Acting Secretary, in no uncertain terms, that the policies expounded in the 2010 and 2011 letters not required by the terms of title IX cannot be grounds for any adverse action.

To my disappointment, his response failed to do so. Mr. King should commit to use the office of the Secretary to rein in the regulatory abuses within the Department of Education and encourage his Cabinet counterparts to do the same. Until such time as such commitments are made, I intend to object to his nomination.

REMEMBERING JUSTICE ANTONIN SCALIA

Mr. ENZI. Mr. President, I wish to offer a few words remembering Associate Justice Antonin Scalia of the Supreme Court. America has lost a legal

giant and tireless defender of the Constitution. Justice Scalia dedicated his life to his country and the rule of law. His passing is a significant loss for the Court and the United States.

Few Associate Justices of the Supreme Court capture the attention of both lawyers and non-lawyers like Justice Scalia has throughout his career. Antonin Scalia used wit, humor, and colorful writing to captivate Americans in his judicial opinions and educational talks. Justice Scalia also felt strongly about protecting the rights of the individual and did so in monumental opinions interpreting the First, Second, Fourth, and Sixth Amendments. In the immediate days following his passing, I received substantial correspondence from Wyoming residents praising his work for upholding the Constitution and defending individual liberties.

A number of my colleagues have already mentioned how Justice Scalia would always put the Constitution first, even if it conflicted with his personal views. This was the case when Justice Scalia voted to uphold the right of protesters to burn the American flag—even though he strongly disagreed with flag desecration.

When it comes to privacy, Justice Scalia established himself as a leading champion of the Fourth Amendment, particularly when it comes to privacy in one's home or car.

Justice Scalia also authored a landmark majority opinion upholding gun rights under the Second Amendment which reiterated the constitutional right of an individual to keep and bear arms in the District of Columbia, a right which was later incorporated to all States.

Justice Scalia also fought ardently for religious freedoms under the Establishment Clause and joined others in upholding freedom of association under the First Amendment.

From his earliest days on the Supreme Court, Scalia approached the Constitution and statutes passed by Congress as a textualist. He protected the vertical separation of power in our federalist system which keeps decisions closer to the people and fought for the separation of powers amongst the three branches of Federal Government.

Most recently, Justice Scalia challenged Executive overreach in the unanimous decision of the Supreme Court invalidating President Obama's unconstitutional recess appointments to the National Labor Relations Board and the Consumer Financial Protection Bureau.

Finally, Justice Scalia's writings, judicial philosophy, and lectures have influenced future generations of lawyers and jurists. Whether, during oral argument, asking if the government can "make people buy broccoli" or referencing Cole Porter lyrics in opinions, Scalia used words to rebut, challenge, and persuade.

Justice Scalia's legacy and legal precedents will stand the test of time,

and our Nation owes him a debt of gratitude for his service. My wife, Diana, and I send our prayers and condolences to the Scalia family.

40TH ANNIVERSARY OF THE CONGRESSIONAL BLACK CAUCUS FOUNDATION AND 45TH ANNIVERSARY OF THE CONGRESSIONAL BLACK CAUCUS

Mr. BOOKER. Mr. President, today I wish to honor the 40th anniversary of the Congressional Black Caucus Foundation, Incorporated, CBCF. It is fitting that during the month we celebrate Black history, we commemorate the decades of service CBCF has rendered to the Nation by advancing policy issues that impact the global Black community.

Black History Month is an ideal time to reflect on the ways the law has shaped the African-American experience. Our Nation has come a long way since the time when schools were segregated by law. No longer does the law bar African Americans from the voting booth. Today we have African-American Members of Congress who help craft the law; Yet the important work of civil rights remains unfinished.

Since 1976, CBCF has been a critical partner with Congress in the fight for equal rights. As a nonpartisan nonprofit institute dedicated to eliminating racial disparities, CBCF has served as an inspiration to not just African Americans, but to people across the globe. However, its legacy and impact have been far from symbolic.

From helping to make the birthday of Dr. Martin Luther King, Jr., a Federal holiday, to rebuilding communities impacted by Hurricane Katrina, to working on major legislation like the Elementary and Secondary Education Act, to building a virtual library project to shed a spotlight on the work of Black-elected officials, CBCF has stood alongside African-American elected leaders on some of the most critical policy issues of our time.

As we move in 2016, the work of CBCF is more important than ever. Today people of color face disparities in the areas of criminal justice reform, voting rights, and economic development both at home and abroad. Its founders—Nira Hardon Long, Albert Nellum, and Congresswoman Yvonne Burke—envisioned CBCF as an important contributor in the quest for racial equality.

The need remains. The vision lives on. And we have more work to do. I am confident CBCF will continue to serve our country admirably and protect African Americans vigorously. I salute CBCF for their service and celebrate their 40th anniversary.

This year also marks the 45th anniversary of the founding of the Congressional Black Caucus, CBC. I express my appreciation to the 13 founding members of the CBC in 1971 and the 17 members of the CBC class of 1976 for paving the way for African-American Members of Congress, like me, to follow in their

footsteps. Their dedication to ensuring America fulfills the promise of equal justice for all serves as a constant inspiration. I stand on the shoulders of giants in CBC, and I salute their sacrifice.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VERMONT ESSAY CONTEST

• Mr. SANDERS. Mr. President, I would like to extend my sincere thanks for the continued involvement of Vermont high school teachers and principals in my annual State of the Union essay contest. This year, 799 Vermont students from 39 high schools wrote essays detailing what they thought were the most important issues facing our country. We could not have achieved this level of participation without the help of engaged educators throughout the State.

Each and every day, teachers encourage students to think critically and develop their own ideas. I appreciate that so many teachers have used the essay contest to challenge their students to share what they consider to be priorities for the United States. This year's submissions were some of the most thoughtful to date, and I have no doubt that is because of the encouragement of engaged teachers from across the State.

The success of this essay contest also depends on a dedicated team of volunteer judges, all of whom are also high school teachers. This year, we asked our five judges—some of whom have served for many years—to read more essays in less time, and we greatly appreciate the serious consideration and commitment they brought to the task. I would like to take a moment to recognize this year's judges: Bradley Archer, Woodstock Union High School; Jason Gorczyk, Milton High School; Krista Huling, South Burlington High School; Roberta "Cookie" Steponaitis, Vergennes Union High School; and Terri Vest, Twinfield Union High School.

I would also like to enter into the RECORD the names of the 39 high schools that participated this year:

Arlington Memorial High School, Bellows Falls Union High School, Bellows Free Academy—Fairfax, Blue Mountain High School, Burlington High School, Burlington Technical Center, Burr & Burton Academy, Canaan Memorial High School, Champlain Valley Union High School, Colchester High School, Enosburg Falls High School, Green Mountain Technology and Career Center, Hanover High School, Hartford High School, Harwood Union High School, Leland and Gray Union High School, Mill River Union High School, Milton High School, Missisquoi Valley Union High School, Mount Mansfield Union High School, Mt. Abraham Union High School, Mt. Anthony Union High School, North Country Union High School, Northfield High School, Peo-

ples Academy, Rice Memorial High School, Rutland High School, South Burlington High School, South Royalton High School, Spaulding High School, St. Johnsbury Academy, Stafford Technical Center, Twinfield High School, Union High School, Vergennes Union High School, Vermont Commons School, Whitcomb High School, Winooski High School, Woodside Juvenile Rehab Center, and Woodstock Union High School.

Additionally, I would like to thank the schools where an especially large number of students wrote essays. Vermont Commons School and Missisquoi Valley Union High School had more than 25 participants. Green Mountain Technology and Career Center and South Burlington High School both had more than 50 students write essays. Mount Abraham Union High School had more than 100 members of their freshmen class write essays. Rutland High School assigned the contest to their entire freshmen class, with more than 200 students participating.

I would like to thank all of Vermont's teachers and principals for their tireless work educating students and for helping to make the sixth annual State of the Union essay contest a success.●

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID B. NORRIS

• Mrs. BOXER. Mr. President, I wish to recognize and congratulate Mr. David B. Norris, national vice chairman for legislation of Veterans of Foreign Wars, on his retirement after more than three decades of service to California veterans.

A resident of Tracy, CA, Mr. Norris enlisted in the Army in January 1966 and served his country honorably, deploying to Vietnam with the 7th Psychological Operations Group. In recognition of his contributions, he received the Vietnam Service Medal, Presidential Unit Citation with oak leaf cluster, and Good Conduct Medal with oak leaf cluster.

Following his service to the country, Mr. Norris received his associates of arts degree in business from Northwest Missouri State University in 1974 and went on to become a paralegal for Century Law Offices in Costa Mesa and San Ramon, CA, and serve on the city of Tracy planning commission.

Mr. Norris joined the VFW in 1968 at Post 9723 in Okinawa, Japan, and, as a life member, has served on several California and national committees, including as the national chaplain, national chief of staff, and national judge advocate general. He is also a member of the Vietnam Veterans of America and a life member of the American Legion.

Mr. Norris has been a tireless advocate for veterans and a leading voice on efforts to assist female and homeless veterans. I would like to thank Mr.

Norris for everything he has done to advance the needs of California veterans and wish him and wife, Sandy, all the best as he retires from legislative service with the VFW.●

TRIBUTE TO ANGELA MERKLE

• Mr. ROUNDS. Mr. President, today I wish to recognize Angela Merkle, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Angela is a graduate of Canton High School in Canton, SD. She recently graduated from Augustana University in Sioux Falls, where she studied government and international affairs. She is a positive and diligent worker who has been devoted to getting the most out of her internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to Angela for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 644. An act to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. DAINES).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4405. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances" (FRL No. 9939-59-OCSPP) received in the Office of the President of the Senate on February 9, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4406. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benzyl acetate; Exemption from the Requirement of a Tolerance" (FRL No. 9941-49-OCSPP) received in the Office of the President of the Senate on February 9, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4407. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluridone; Pesticide Tolerances" (FRL No. 9941-69-OCSPP) received in the Office of the President of the Senate on February 12, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4408. A communication from the Congressional Review Coordinator, Animal and